

R430-100-12. INJURY PREVENTION.

- (1) The provider shall ensure that the building, grounds, toys, and equipment are maintained and used in a safe manner to prevent injury to children.**

Rationale / Explanation

Proper maintenance is a key factor in trying to ensure a safe environment for children. Regular inspections are critical to prevent breakdown of equipment and the accumulation of hazards in the environment, and to ensure that needed repairs are made quickly. Regular maintenance checks and appropriate corrective actions documented in writing can reduce the risk of potential injury and provide a mechanism for periodic monitoring and improvements. CFOC, pgs. 109-110 Standard 3.038; pgs. 216-217 Standard 5.075; pg. 223 Standard 5.086; pgs. 262-264 Standards 5.194, 5.196; pg. 374 Standard 8.071

The physical structure where children spend each day can present safety concerns if it is not kept in good repair and maintained in a safe condition. For example, peeling paint in older buildings may be ingested, floor surfaces in disrepair could cause falls and other injuries, broken windows could cause severe cuts. Children's environments must also be protected from exposure to moisture, dust, and excessive temperatures. CFOC, pg. 273 Standard 5.231

Constant direct supervision is also needed in order to ensure that even well-maintained equipment is not used in unsafe ways. CFOC, pgs. 58-59 Standard 2.028

Enforcement

This rule is cited only when there is not another rule that specifically addresses an observed lack of safe maintenance or use of the building, grounds, toys, and equipment. The noncompliance level depends on the violation observed. Check with the Bureau Director before citing this rule.

- (2) The provider shall ensure that the indoor environment is free of tripping hazards such as unsecured flooring or cords.**

Rationale / Explanation

The purpose of this rule is to prevent injuries to children from tripping and falling. CFOC, pgs. 216-217 Standard 5.075

Enforcement

This rule does not prevent a center from having throw rugs.

Level 2 Noncompliance: If there is a tripping hazard where a child would fall on a hard surface (tile, concrete, etc.).

Level 3 Noncompliance: If there is a tripping hazard where a child would not fall on a hard surface, or if there is a tripping hazard where a child would fall on a hard surface, but it is corrected during the inspection.

- (3) Areas accessible to children shall be free of unstable heavy equipment, furniture, or other items that children could pull down on themselves.**

R430-100-12. INJURY PREVENTION.

Rationale / Explanation

Children have suffered serious injuries and death due to unstable heavy equipment falling on them. The Consumer Product Safety Commission (CPSC) estimates that at least 3000 children under age 5 were treated in U.S. hospital emergency rooms during 2005 for injuries associated with television tip-overs. In addition, between 2000 and 2005, CPSC received reports of 65 furniture tip-over deaths and 36 television tip-over deaths. Over 80% of these deaths involved young children. Secure anchoring of heavy equipment is essential for safe, stable installation. CFOC, pg. 259 Standard 5.182

Enforcement

This rule applies to items over 4' high, that are both heavy and unstable, and that children could climb up onto or would be strong enough to pull over. This includes an unstable piece of furniture less than 4' high if there is something heavy enough to injure a child, such as a television or small refrigerator, on top of the unstable furniture.

Always Level 1 Noncompliance.

- (4) The following items shall be inaccessible to children:**
- (a) firearms, ammunition, and other weapons on the premises. Firearms shall be stored separately from ammunition, in a locked cabinet or area, unless the use is in accordance with the Utah Concealed Weapons Act, or as otherwise allowed by law;**

Rationale / Explanation

The purpose of this rule is to prevent child injuries or deaths from firearms. Children have a natural curiosity about firearms and have often seen their use glamorized on television. Firearms pose a great potential for tragic accidents with children. CFOC, pg. 252 Standard 5.161; pg. 354 Standard 8.039

Enforcement

Always Level 1 Noncompliance.

- (4) The following items shall be inaccessible to children:**
- (b) tobacco, alcohol, illegal substances, and sexually explicit material;**

Rationale / Explanation

The age, defenselessness, and lack of mature judgement of children in care make the prohibition of tobacco, alcohol, and illegal substances an absolute requirement in child care programs. CFOC, pg. 111 Standard 4.041; pg. 354 Standard 8.038

Scientific evidence has linked respiratory health risks to secondhand smoke. No children, especially those with respiratory problems, should be exposed to additional risk from the air they breathe. Infants and young children exposed to secondhand smoke are at risk of developing bronchitis, pneumonia, and middle ear infections when they experience common respiratory infections. CFOC, pg. 111 Standard 4.041; pg. 354 Standard 8.038

R430-100-12. INJURY PREVENTION.

Enforcement

Level 1 Noncompliance: If children have access to tobacco, alcohol, or illegal substances.

Level 2 Noncompliance: If children have access to sexually explicit material.

- (4) The following items shall be inaccessible to children:**
(c) when in use, portable space heaters, fireplaces, and wood burning stoves;

Rationale / Explanation

Portable space heaters, fireplaces, and wood burning stoves are all hot enough to burn children when in use. They can also start fires when heating elements, flames, or hot surfaces are too close to flammable materials, including children's clothing. In addition, fireplaces and wood burning stoves can be sources of toxic products of combustion. CFOC, pgs. 201-202 Standards 5.035, 5.037, 5.038

Enforcement

Always Level 1 Noncompliance.

- (4) The following items shall be inaccessible to children:**
(d) toxic or hazardous chemicals such as cleaners, insecticides, lawn products, and flammable materials;

Rationale / Explanation

All of these substances can cause illness or death through accidental ingestion. Flammable materials are also involved in many non-house fire flash burn admissions to burn units. CFOC, pgs. 215-216 Standard 5.073; pgs. 229-230 Standard 5.100; pgs. 232-233 Standards 5.106, 5.107; pg. 251 Standard 5.158

Enforcement

Always Level 1 Noncompliance.

- (4) The following items shall be inaccessible to children:**
(e) poisonous plants;

Rationale / Explanation

Plants are among the most common household substances that children ingest. Poisonous plants can also cause skin rashes. CFOC, pg. 232 Standard 5.106

See CFOC, pg. 434, Appendix U for a list of safe and poisonous plants.

Enforcement

Always Level 2 Noncompliance.

- (4) The following items shall be inaccessible to children:**

R430-100-12. INJURY PREVENTION.

- (f) matches or cigarette lighters;

Rationale / Explanation

Accidental fires are often started by children playing with matches and cigarette lighters. CFOC, pg. 251 Standard 5.157

Enforcement

Always Level 1 Noncompliance.

- (4) The following items shall be inaccessible to children:

- (g) open flames;

Rationale / Explanation

Children are at risk of burns from open flames. Fires may also be accidentally started by open flames, such as a burning candle. CFOC, pg. 251, Standard 5.157

Enforcement

This rule does not prevent a center from having a birthday cake or cupcakes with candles, provided there is constant direct supervision of the lit candles until they are blown out.

Level 1 Noncompliance: If children have unsupervised access to an open flame that is near flammable material. For example, if a lit candle would hit something flammable if it tipped over or was knocked over.

Level 2 Noncompliance otherwise.

- (4) The following items shall be inaccessible to children:

- (h) sharp objects, edges, corners, or points which could cut or puncture skin;

Rationale / Explanation

The purpose of this rule is to prevent children from being cut or having their skin punctured by sharp objects. CFOC, pg. 109 Standard 3.038; pg. 223 Standard 8.087; pgs. 263-264 Standard 5.196

Enforcement

Level 1 Noncompliance: If children have access to items with a blade (knives, adult scissors, razor blades, etc.), broken glass, or nails.

Level 2 Noncompliance otherwise.

- (4) The following items shall be inaccessible to children:

- (i) for children age 4 and under, strings and cords long enough to encircle a child's neck, such as those found on pull toys, window blinds, or drapery cords;

R430-100-12. INJURY PREVENTION.

Rationale / Explanation

Window covering cords are frequently associated with strangulation of children under five years of age. Cords and ribbons tied to pacifiers can become tightly twisted, or can catch on crib corner posts or other protrusions, causing strangulation. CFOC, pg. 252 Standard 5.160

Enforcement

This rule is not meant to prohibit preschoolers from using lacing cards or stringing beads, provided these are used under adult supervision.

Level 1 Noncompliance: If a child has access to a rope or string longer than 12" that is attached to a solid structure at one end (for example, a blind or drape cord), such that a child could hang themselves from it.

Level 2 Noncompliance otherwise.

(4) The following items shall be inaccessible to children:

- (j) for children age 4 and under, plastic bags large enough for a child's head to fit inside, latex gloves, and balloons; and**

Rationale / Explanation

Plastic bags pose a suffocation risk for children. Rubber balloons and latex gloves can cause choking if children accidentally swallow them, or bite off parts of them and swallow them. CFOC, pg. 109 Standard 3.038; pgs. 223-224 Standards 5.087, 5.089; pg. 252 Standard 5.159

Enforcement

Always Level 1 Noncompliance.

(4) The following items shall be inaccessible to children:

- (k) for children age 3 and under, toys or other items with a diameter of less than 1-1/4 inch and a length of less than 2-1/4 inches, or objects with removable parts that have a diameter of less than 1-1/4 inch and a length of less than 2-1/4 inches.**

Rationale / Explanation

These items pose a choking hazard for small children. CFOC, pg. 223 Standard 5.087

Enforcement

We have found an error in this rule that was not discovered until after the rules went into effect. The recommendation of the Consumer Product Safety Commission and the American Academy of Pediatrics is that children **under age 3** not have access to these items. After the Family and School Age rules have been completed, the Bureau will file an amendment to the Center rules to correct this mistake. In the meantime, the Bureau will only enforce this rule for children under age 3. This means the Bureau will not enforce this rule for 3 year old children.

This rule does not apply to two-year-olds having access to crayons or chalk.

R430-100-12. INJURY PREVENTION.

If children are in a carefully supervised activity, such as an art activity with a caregiver sitting at the art table with them, they may use art materials smaller than the allowed size, such as pom-poms or craft eyes. However, these items may not be accessible to children unless a caregiver is at the table with the children supervising their use of these items.

Always Level 1 Noncompliance.

(5) The provider shall store all toxic or hazardous chemicals in a container labeled with its contents.

Rationale / Explanation

The purpose of this rule is so that a toxic or hazardous chemical is not mistaken for a harmless material. For example, an unlabeled bottle of bleach water used for sanitizing could be mistaken for plain water. CFOC, pgs. 229-230 Standard 5.100

Enforcement

Always Level 1 Noncompliance.

(6) Electrical outlets and surge protectors accessible to children age four and younger shall have protective caps or safety devices when not in use.

Rationale / Explanation

Preventing children from placing fingers or sticking objects into exposed electrical outlets prevents electrical shock, electrical burns, and potential fires. Oral injuries can also occur when young children insert a metal object into an outlet and try to use their teeth to extract the object. The combination of electricity and mouth moisture closes the electrical circuit, and can lead to serious life-long injuries. CFOC, pgs. 206-207 Standard 5.048

Enforcement

Always Level 2 Noncompliance.

(7) Hot water accessible to children shall not exceed 120 degrees Fahrenheit.

Rationale / Explanation

Tap water burns are the leading cause of nonfatal burns, and children under 5 years of age are the most frequent victims. Water heated to 130 degrees Fahrenheit takes only 30 seconds to burn the skin. Water heated to 120 degrees takes 2 minutes to burn the skin. CFOC, pg. 202 Standard 5.040

Enforcement

The thermometer should be held in running water until the temperature on the thermometer stops rising. Due to the variable accuracy of hot water thermometers, this rule is not considered out of compliance unless the temperature measures 123 degrees or hotter.

Level 1 Noncompliance: If the hot water temperature is 128 degrees or higher.

R430-100-12. INJURY PREVENTION.

Level 2 Noncompliance: If the temperature is between 123 and 127 degrees.

- (8) High chairs shall have T-shaped safety straps or devices that are used whenever a child is in the chair.**

Rationale / Explanation

The purpose of this rule is to prevent children from sliding out of a high chair and falling to the ground, or sliding partway out and becoming entrapped, which poses a strangulation hazard. CFOC, pg. 220 Standard 5.081

Enforcement

Always Level 1 Noncompliance.

- (9) Indoor stationary gross motor play equipment, such as slides and climbers, accessible to children under age 3 shall not have a designated play surface that exceeds 3 feet in height.**

Rationale / Explanation

This rule is based on guidelines from the Consumer Product Safety Commission. Improper cushioning material under playground equipment is the leading cause of playground related injuries. Over 70% of all accidents on play equipment are from children falling. Hard surfaces are not acceptable under most play equipment. A fall onto a hard surface could be life threatening. CFOC, pgs. 216-217 Standard 5.075; pgs. 259-260 Standard 5.183; pg. 264 Standard 5.197

Enforcement

Level 1 Noncompliance: If indoor play equipment exceeds the allowed height, and does not have the required cushioning.

Level 2 Noncompliance: If indoor play equipment exceeds the allowed height, but has the required cushioning.

- (a) If such equipment has an elevated designated play surface less than 18 inches in height, it shall be surrounded by cushioning materials, such as mats at least 1 inch thick, in a 3 foot use zone.**
- (b) If such equipment has an elevated designated play surface that is 18 inches to 3 feet in height, it shall be surrounded by mats at least 2 inches thick, or cushioning that meets ASTM Standard F1292, in a three foot use zone.**

Rationale / Explanation

This rule is based on guidelines from the Consumer Product Safety Commission. Improper cushioning material under playground equipment is the leading cause of playground related injuries. Over 70% of all accidents on play equipment are from children falling. Hard surfaces are not acceptable under most play equipment. A fall onto a hard surface could be life threatening. CFOC, pgs. 216-217 Standard 5.075; pgs. 259-260 Standard 5.183; pg. 264 Standard 5.197

There are several different types of ASTM compliant cushioning that can be used under indoor play equipment. These include certain mats, carpeting, and unitary cushioning materials. For examples of possible ASTM

R430-100-12. INJURY PREVENTION.

compliant indoor cushioning materials, see:

- <http://www.safelandings.com>
- <http://www.surfaceplay.com>
- <http://www.baplaysets.com/shopping/cfmodularmats.asp>
- http://www.daycaremall.com/softplay_3.html

Enforcement

This rule does not apply to low balance beams that sit 6" or less from the floor.

If a center has layered foam "waterfall" climbers for toddlers, and the bottom layer is 6" or less from the floor, the climber may be placed on padded carpeting without the required cushioning. If such a climber is placed on unpadded carpet, or on a hard surface such as wood, tile, linoleum, or concrete, it must have the required cushioning.

Always Level 1 Noncompliance.

(10) Indoor stationary gross motor play equipment, such as slides and climbers, accessible to children age 3 and older shall not have a designated play surface that exceeds 5-1/2 feet in height.

Rationale / Explanation

This rule is based on guidelines from the Consumer Product Safety Commission. Improper cushioning material under playground equipment is the leading cause of playground related injuries. Over 70% of all accidents on play equipment are from children falling. Hard surfaces are not acceptable under most play equipment. A fall onto a hard surface could be life threatening. CFOC, pgs. 216-217 Standard 5.075; pgs. 259-260 Standard 5.183; pg. 264 Standard 5.197

Enforcement

Level 1 Noncompliance: If indoor play equipment exceeds the allowed height, and does not have the required cushioning.

Level 2 Noncompliance: If indoor play equipment exceeds the allowed height, but has the required cushioning.

- (a) If such equipment has an elevated designated play surface less than 3 feet in height, it shall be surrounded by protective cushioning material, such as mats at least 1 inch thick, in a six foot use zone.**
- (b) If such equipment has an elevated designated play surface that is 3 feet to 5-1/2 feet in height, it shall be surrounded by cushioning that meets ASTM Standard F1292, in a six foot use zone.**

Rationale / Explanation

This rule is based on guidelines from the Consumer Product Safety Commission. Improper cushioning material under playground equipment is the leading cause of playground related injuries. Over 70% of all accidents on play equipment are from children falling. Hard surfaces are not acceptable under most play equipment. A fall onto a hard surface could be life threatening. CFOC, pgs. 216-217 Standard 5.075; pgs. 259-260 Standard 5.183; pg. 264 Standard 5.197

R430-100-12. INJURY PREVENTION.

There are several different types of ASTM compliant cushioning that can be used under indoor play equipment. These include certain mats, carpeting, and unitary cushioning materials. For examples of possible ASTM compliant indoor cushioning materials, see:

- <http://www.safelandings.com>
- <http://www.surfaceplay.com>
- <http://www.baplaysets.com/shopping/cfmodularmats.asp>
- http://www.daycaremall.com/softplay_3.html

Enforcement

This rule does not apply to low balance beams that sit 6" or less from the floor.

Always Level 1 Noncompliance.

(11) There shall be no trampolines in the indoor play area.

Rationale / Explanation

Trampolines pose serious safety hazards. The Consumer Product Safety Commission estimates that in 1998 there were 95,000 hospital emergency room-treated injuries associated with trampolines. About 75% of the victims are under 15 years of age, and 10% are under five years of age. The hazards that result in injuries and deaths are:

- *falling or jumping off the trampoline.*
- *falling on the trampoline springs or frame.*
- *colliding with another person on the trampoline.*
- *landing improperly while jumping or doing stunts on the trampoline.*

Enforcement

This rule includes full size above-ground trampolines, built into the ground trampolines, and mini-trampolines.

Always Level 1 Noncompliance.